

2957. Adulteration and misbranding of peanut butter. U. S. v. 33 Cases and 18 Cases of Peanut Butter. Default decree of condemnation and destruction. (F. D. C. No. 6140. Sample No. 70145-E.)

Both lots of this product contained dirt and insect fragments and the 2-pound jars were short of the declared weight.

On November 19, 1941, the United States attorney for the Western District of North Carolina filed a libel against 33 cases each containing 29 1-pound jars and 24 cases each containing 12 2-pound jars of peanut butter at Taylorsville, N. C., alleging that the article had been shipped in interstate commerce on or about September 9, 1941, by Jaxon Foods, Inc., from Jacksonville, Fla.; and charging that it was adulterated and that a portion was misbranded. The article was labeled in part: (Jars) "Besmaid Peanut Butter."

All of the article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance.

The 2-pound jars were alleged to be misbranded in that the statement "Net Wt. 2 Lb." was false and misleading as applied to an article that was short weight; and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On December 12, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

OILS AND FATS

2958. Adulteration and misbranding of olive oil. U. S. v. 12 Cans of Olive Oil. Default decree of condemnation. Product ordered distributed to charitable institutions. (F. D. C. No. 5961. Sample No. 75532-E.)

Analysis showed that this product consisted essentially of cottonseed oil mixed with one or more other vegetable oils, and containing little, if any, olive oil.

On or about October 7, 1941, the United States attorney for the District of Connecticut filed a libel against 12 gallon cans of olive oil at Pawcatuck, Conn., alleging that the article had been shipped in June or July, 1941, by Columbus Wholesale Grocery Co. from Providence, R. I.; and charging that it was adulterated and misbranded. It was labeled in part: "Superfine Olive Oil A. Sasso * * * Brand."

The article was alleged to be adulterated in that a substance, cottonseed oil mixed with one or more other vegetable oils, containing little, if any, olive oil, had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded: (1) In that the following statements, (main panels) "Superfine Olive Oil * * * Imported Product * * * Olio d'Olive Sopraffino * * * Prodotto Importato," (side panels) "Pure Olive Oil Imported * * * Olio Puro d'Olive Raccomandato per uso medicinale," and (top and bottom) "Puro Olio di Oliva," were false and misleading as applied to an article that consisted essentially of cottonseed oil mixed with one or more other vegetable oils and contained little, if any, olive oil. (2) In that it was offered for sale under the name of another food. (3) In that it was in package form and failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor. (4) In that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On December 20, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered distributed to charitable institutions.

2959. Adulteration and misbranding of olive oil. U. S. v. 10 Cases of Oil. Default decree of condemnation and destruction. (F. D. C. No. 6293. Sample No. 87230-E.)

This product consisted essentially of cottonseed oil, containing little, if any, olive oil.

On November 28, 1941, the United States attorney for the Southern District of West Virginia filed a libel against 10 cases, each containing 24 quart cans, of oil at Charleston, W. Va., alleging that the article had been shipped on or about August 2, 1941, by Enrico Fiorelli Co. from Canton, Ohio; and charging that it was adulterated and misbranded. It was labeled in part: "Conte Savoia Pure Olive Oil."

The article was alleged to be adulterated in that a substance, cottonseed oil, containing little, if any, olive oil, had been substituted wholly or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading, (main panels) "Italian Product * * * Pure Olive Oil Imported * * * Prodotto Italiano * * * Puro Olio d'Oliva Importato [design of olive branches and gold medals]," and (side panels) "This olive oil is guaranteed to be absolutely pure under any chemical analysis—Excellent for table use for cooking and medicinal purposes * * * Quest' Olio d'Oliva e garantito assolutamente puro sotto qualsiasi analisi chimica—Eccellente per tavola per cucina e per uso medicinale"; and (2) in that it was offered for sale under the name of another food.

On December 19, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

2960. Adulteration and misbranding of olive oil. U. S. v. 36 Cans, 144 Cans, 45 Cans, and 9 Cans of Olive Oil. Consent decree of condemnation. Product ordered released under bond to be relabeled. (F. D. C. No. 6071. Sample Nos. 66304-E to 66307-E, incl.)

This product consisted essentially of cottonseed oil or peanut oil, containing little or no olive oil.

On October 25, 1941, the United States attorney for the Northern District of Illinois filed a libel against 234 gallon cans of olive oil at Chicago, Ill., alleging that the article had been shipped on or about September 7, 8, and 24, 1941, by Gary Supply Co. from Gary, Ind.; and charging that it was adulterated and misbranded. The article was labeled in part: "Seville Brand Selected Olive Oil," or "Lucca Brand Pure Olive Oil."

The article was alleged to be adulterated: (Seville brand and 45 cans of Lucca brand) in that a substance, cottonseed oil containing little or no olive oil, had been substituted in whole or in part for olive oil, which it purported to be; and (Lucca brand, 9 cans) in that a substance, peanut oil containing little or no olive oil, had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the following statements appearing in the labeling were false and misleading: (Seville brand, main panels) "Selected Olive Oil Pure Spanish Olive Oil Imported From Spain," (side panels) "This olive oil is highly recommended for medicinal and all table uses Esta aceite de oliva esta recomendado para uso medicinal lo mesmo que para el uso de la mesa y la cocina," and (top) "Seville Olive Oil Co. Seville, Spain"; and (Lucca brand, main panels) "Lucca * * * Pure Olive Oil Lucca Olive Oil Co. Lucca Italy," (side panels) "Quest' Olio d'Oliva lo Garantisco per L'Assoluta Purita Sotto Analisi Chimica e per la Piu Squisita Qualita," and (top) "Italy"; and (2) in that it was offered for sale under the name of another food.

On December 9, 1941, Charles Gump, trading as the Gary Supply Co., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

2961. Adulteration and misbranding of olive oil. U. S. v. 9 Cases and 16 Cases of Olive Oil. Default decree of condemnation and destruction. (F. D. C. No. 6197. Sample Nos. 84018-E, 84019-E.)

Analysis indicated that this product consisted essentially of artificially flavored and artificially colored corn oil with a small amount of cottonseed oil and little, if any, olive oil. The cans failed to bear the name of the manufacturer, packer, or distributor.

On November 10, 1941, the United States attorney for the District of Maryland filed a libel against a total of 25 cases of olive oil at Baltimore, Md., alleging that the article had been shipped in interstate commerce on or about October 30, 1941, by Frank Roma from New York, N. Y.; and charging that it was adulterated and misbranded. It was labeled in part: (Cans) "Olio di Oliva Vergine Lucca Brand Prodotto Italiano"; or "Olio d' Oliva Sopraffino A. Sasso Brand."

The article was alleged to be adulterated (1) in that artificially flavored and artificially colored corn oil with a small amount of cottonseed oil and containing little or no olive oil had been substituted wholly or in part for olive oil, which it purported to be; (2) in that inferiority had been concealed by the addition of artificial flavor and artificial color; and (3) in that artificial flavor and artificial color had been added thereto or mixed or packed therewith so as to make it appear better and of greater value than it was.

It was alleged to be misbranded (1) in that the following statements and designs were false and misleading: (9 Cases) "Olio di Oliva Vergine Lucca